

**UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS**

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PITTSFIELD GENERATING COMPANY, L.P.,

Plaintiff,

v.

DEVON CANADA CORPORATION,

Defendant.

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) Civil Action No:  
) 04-30128-MAP  
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**DEFENDANT DEVON CANADA CORPORATION'S  
ASSENTED-TO MOTION FOR LEAVE TO FILE A REPLY  
MEMORANDUM IN SUPPORT OF ITS MOTION TO DISMISS  
FOR LACK OF PERSONAL JURISDICTION AND FORUM NON CONVENIENS**

Devon Canada Corporation ("Devon") hereby moves for leave to file the accompanying reply memorandum in support of its Motion To Dismiss for Lack of Personal Jurisdiction and Forum Non Conveniens. As grounds for the present motion, Devon states that Plaintiff Pittsfield Generating Company, L.P.'s first and second memoranda in opposition to the foregoing motion raises new issues, including those that require interpretation of and citation to Alberta law, and the accompanying reply memorandum will materially assist the Court in its consideration of Devon's pending motion.

Plaintiff assents to this motion with the understanding that Devon will assent to the filing of a sur-reply if Plaintiff seeks to file a sur-reply.

WHEREFORE, Devon respectfully requests that the Court grant it leave to file the accompanying reply memorandum in support of its pending motion.

Dated: November 12, 2004

Respectfully submitted,

/s/ Anita B. Bapooji  
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Of Counsel  
Devon Canada Corporation

**CERTIFICATION UNDER LOCAL RULE 7.1**

I certify that, on November 12, 2004, pursuant to Local Rule 7.1, counsel for the parties have conferred in good faith regarding this Motion and that counsel for plaintiff has assented to this Motion, with the understanding that defendant will assent to plaintiff's filing of a sur-reply.

/s/ Anita B. Bapooji  
Anita B. Bapooji  
Counsel for Defendant  
Devon Canada Corporation

**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of Defendant Devon Canada Corporation's Motion for Leave to File A Reply Memorandum In Support of Its Motion To Dismiss for Lack of Personal Jurisdiction and Forum Non Conveniens was served on the 12<sup>th</sup> day of November, 2004, via first class mail, postage prepaid, on the following:

Robert J. Muldoon  
David A. Brown  
Sherin and Lodgen LLP  
101 Federal Street  
Boston, MA 02110

/s/ Anita B. Bapooji  
Anita B. Bapooji